

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:)	
)	WC Docket No. 12-375
Rates For Interstate Inmate)	
Calling Services)	

CONSOLIDATED REPLY

The Wright Petitioners, Citizens United For Rehabilitation Of Errants, and Prison Policy Initiative (the "ICS Advocates"), hereby submit this Consolidated Reply to the comments submitted in response to the Motion for Extension of Time (the "Motion") filed by Securus Technologies, Inc. ("Securus").¹ Securus requested that the Federal Communications Commission (the "Commission") delay the implementation of the Annual Reporting Requirements set forth in Section 64.6060 of the Commission's rules (the "Rules").

To no one's surprise, support for the Motion was expressed by providers of inmate calling services (ICS),² while the ICS Advocates, along with the Human Rights Defense Center, urged the Commission to deny the Motion.³ As discussed herein, the ICS Providers have failed to justify an extension beyond the current June 1, 2017 filing deadline.

¹ On March 14, 2016, a Public Notice requesting comments regarding Securus' Motion was released, establishing March 28, 2017, as the deadline for comments, and April 4, 2017, as the deadline for reply comments. *See Wireline Competition Bureau Seeks Comment On Securus Technologies, Inc.'s Motion for Extension of Annual Reporting Deadline*, Public Notice, DA 17-249 (rel. March 14, 2017).

² *See Global Tel*Link Corporation Comments in Support of Securus Motion for Extension*, WC Dkt. 12-375, filed March 28, 2017 ("GTL Comments"); *See ICSolutions' Comments on Securus Technologies, Inc.'s Motion for Extension of Annual Reporting Deadline*, WC Dkt. 12-375, filed March 27, 2017 ("ICSolutions Comments"); *See Pay Tel Communications, Inc.'s Comments Regarding Securus Technologies, Inc.'s Motion Seeking Extension of Time to Submit Annual ICS Reports and Request for Clarification*, WC Dkt. 12-375, filed March 28, 2017 ("Pay Tel Comments").

³ *See Human Rights Defense Center*, Comment, WC 12-375, filed March 28, 2017. HRDC raises the important issue of transparency regarding ICS rates and fees. Undersigned counsel has faced similar problems in obtaining information regarding ICS rates and fees by submitting FOIA requests, which include inconsistent and excessive reproduction costs, redaction of non-private information, and inaccurate advice provided to county governments by in-house counsel for ICS providers. *See Exhibit A*.

First, ICSolutions merely incorporated the arguments presented by Securus in the Motion. These arguments were successfully rebutted by the ICS Advocates in our initial Comments. ICSolutions' additional argument that the United States Court of Appeals for the District of Columbia did not stay the effectiveness of Section 64.6060 in 2016 because the "Annual Reporting requirements were not yet in effect" also must be rejected.⁴ ICSolutions ignores the fact that Section 64.6060 was stayed by the court in 2014. Thus, the lack of OMB approval did not forestall the court's willingness to issue a stay of the rule in 2014, and, to the extent that the ICS providers are determined to prognosticate the intent of the U.S. Court of Appeals for the District of Columbia, it would appear that the Annual Reporting requirements set forth in Section 64.6060 no longer rise to the same level of concern.

Global Tel*Link also supported the Motion, and supplied one additional argument to those presented by Securus, namely that "the Commission intended to give ICS providers time between OMB approval of the reporting requirement and the due date of the first report."⁵ However, GTL ignores the fact that the Commission is actually giving ICS providers more time to prepare the "first report" as would have been available if OMB approval had been published at any point during December 2016.

Specifically, if the OMB approval had been issued in December 2016, ICS providers could not have argued that the first report was due in 2018, and would have had to file the first report on April 1, 2017. Instead, OMB approval was issued on January 9, 2017, and the Commission will not require submission of the "first report" until June 1, 2017, i.e., **142 days** after OMB approval.

⁴ *ICSolutions Comments*, pg. 1.

⁵ *Global Tel*Link Comments*, pg. 2.

Thus, to the extent that GTL is correct, and the Commission "intended to give ICS providers time between OMB approval" and the due date, it can hardly argue that the June 1st deadline does not satisfy the Commission's intent. In fact, ICS providers were given the same period of time to prepare the reports as if OMB approval was issued on **November 10, 2016**.

Finally, Pay Tel Communications also supports an extension of the deadline "until at least September 1, 2017" in light of a "list of issues" submitted by Pay Tel which purports to identify "several discrepancies regarding, or questions concerning, the information sought."⁶ However, Pay Tel ignores the fact that FCC Form 2301(a) and its Instructions were the subject of two (2) separate comment periods prior to OMB's approval on January 9, 2017. The first window was announced on August 1, 2016, and closed on September 30, 2016.⁷ Subsequent to this window, an additional comment period ran from November 3, 2016, to December 5, 2016.⁸

The main purpose for these notice and comment filing windows was to address the very type of "issues" raised by Pay Tel. Undersigned counsel submitted comments in both filing windows, making suggestions for revisions and addressing possible areas of confusion.⁹ Pay Tel did not provide any explanation why it failed to participate while the forms were being drafted. Instead, it now supports an extension so that the Commission can address its "list of issues." However, long-standing Commission precedent prevents Pay Tel "to sit back" and not participate in earlier proceedings, and then "to parry with an offer" of its concerns at this late date.¹⁰

⁶ See *Pay Tel Comments*, pg. 2.

⁷ See *Information Collections Being Reviewed by the Federal Communications Commission*, 81 Fed. Reg. 50499 (Aug. 1, 2016), attached hereto as Exhibit B.

⁸ See *Information Collection Being Submitted for Review and Approval to the Office of Management and Budget*, 81 Fed. Reg. 76,588 (Nov. 3, 2016), attached hereto as Exhibit C.

⁹ See Exhibit D.

¹⁰ See *Colorado Radio Corp. v. FCC*, 118 F.2d 24, 26 (D.C. Cir. 1941).

If necessary, the "issues" raised by Pay Tel can be addressed in subsequent Public Notice, or by contacting the Commission's staff. In fact, similar guidance was provided by the Commission to ICS providers in advance of the 2014 Mandatory Data Collection.¹¹ Simply put, Pay Tel's laundry list of purported discrepancies must not serve as the basis for delaying the submission of FCC Form 2301(a).

Therefore, the aforementioned parties respectfully request that the FCC adopt an order denying the request.

Respectfully submitted,

**THE WRIGHT PETITIONERS
CITIZENS UNITED FOR
REHABILITATION OF ERRANTS
PRISON POLICY INITIATIVE**

By: 

Lee G. Petro
DRINKER BIDDLE & REATH LLP
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(202) 230-5857

Counsel for The Wright Petitioners

April 4, 2017

¹¹ See *Instructions for Inmate Calling Services Mandatory Data Collection*, rel. June 16, 2014 (https://apps.fcc.gov/edocs_public/attachmatch/DOC-327664A1.pdf).

EXHIBIT A



Alcona County Sheriff's Office

214 W. Main Street, Harrisville, MI 48740

Office: (989) 724-6271

Fax: (989) 724-6181

Douglas M. Atchison
Sheriff

Matthew S. Perkins
Undersheriff

February 21, 2017

DRINKER,BIDDLE&REATH,LLP

LEE G. PETRO
1500 K STREET N.W.
WASHINGTON D.C. 20005-1200

Re: FOIA Request dated February 15, 2017

Dear Mr. Petro;

Please be advised that pursuant to your request relating to Item #1 please find the attached for Fiscal year 2014-17. **In reference to the items, 2, and 3 you are hereby advised we are contractually prohibited from disclosing any trade secrets of Secures Technologies without their consent.** An attempt was made to obtain consent, however, it was denied. (Attached e-mail response).

The documents that you have requested in items 2 and 3 contain trade secrets and therefore are considered exempted material pursuant to:

MCL 15.243. Items exempt from disclosure,

- (f) Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy if:
 - (i) The information is submitted upon a promise of confidentiality by the public body.
 - (ii) The promise of confidentiality is authorize by the chief administrative officer of the public body or by an elected official at the time the promise is made.
 - (iii) A description of the information is recorded by the public body within a reasonable time after it has been submitted, maintained in a central place within the public body, and made available to a person upon request. This subdivision does not apply to information submitted as required by law or as a condition of receiving a governmental contract, license, or other benefit.

If you have any further questions, please do not hesitate to contact me at your earliest convenience.

Sincerely,

Douglas M. Atchison
Alcona County Sheriff

Debra Kilbourn

From: Dewayna Darrett [ddarrett@securustechnologies.com]
Sent: Thursday, February 16, 2017 3:19 PM
To: Debra Kilbourn
Subject: RE: FOIA request

Hi Debra,
I left you a voice mail a few minutes ago.

The law firm that sent you that letter is sending it to all of the counties in MI I have had several requests from the same firm. **They are essentially using the county (you) to get info and it may not be the proper way to do so.**

I have a response from our **Sr. Counsel** and his response is as follows:

The facility must make an independent determination as to whether this request is proper under the MI Law. If it is, and they need our help in getting them the same information that's already available to them through the portal we can assist.

If the facility does not have the info and the only place to get it is our (Securus) records we can't provide those, because **that would be circumventing the standard subpoena-process requirements. In other words the requesting party can't use a MI FIOA request to get our records,**

So essentially the law firm needs to submit a subpoena to Securus for that information.

Please let me know if you have any other questions and also if you need to speak with our attorney , let me know and I will have him call you directly.

Kindest Regards,
DeWayna

DeWayna L. Darrett
Sr. Account Manager, Inside Sales
Securus Technologies, Inc.
4000 International Parkway
Dallas, Texas 75007

DIRECT: (972) 277-0560
CELL: (214) 693-8486
MAIN: (972) 277-0300 Ext. 0560
ddarrett@securustechnologies.com
SecurusTechnologies.com

EXHIBIT B

except for purposes of administering the universal service programs; and must not disclose data in company-specific form unless directed to do so by the Commission.

Needs and Uses: The Commission is requesting approval for this new collection. In March 2016, the Commission adopted an order reforming its universal service support program in areas served by rate-of-return carriers. Connect America Fund; ETC Annual Reports and Certifications; Establishing Just and Reasonable Rates for Local Exchange Carriers; Developing a Unified Intercarrier Compensation Regime, WC Docket Nos. 10–90, 14–58, 07–135, 05–337, 03–109; CC Docket Nos. 01–92, 96–45, Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 16–33 (Rate-of-Return Order).

The Commission adopted a voluntary path for rate-of-return carriers to receive model-based universal service support in exchange for making a commitment to deploy broadband-capable networks meeting certain service obligation to a pre-determined number of eligible locations by state. The Commission addressed the requirement that carriers electing model-based support must notify the Commission of that election and their commitment to satisfy the specific service obligations associated with the amount of model support. In addition, the Commission adopted reforms to the universal service mechanisms used to determine support for rate-of-return carriers not electing model-based support. Among other such reforms, the Commission adopted an operating expense limitation to improve carriers' incentives to be prudent and efficient in their expenditures, a capital investment allowance to better target support to those areas with less broadband deployment, and broadband deployment obligations to promote "accountability from companies receiving support to ensure that public investment are used wisely to deliver intended results." This information collection addresses the new burdens associated with those reforms.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2016–18094 Filed 7–29–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX and 3060–XXXX]

Information Collections Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before September 30, 2016. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email PRA@fcc.gov and to Nicole.Ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: Inmate Calling Services Data Collection, One-Time Data Collection.
Form Number: FCC Form 2300.
Type of Review: New collection.
Respondents: Business or other for-profit.

Number of Respondents and Responses: 15 respondents; 15 responses.

Estimated Time per Response: 80 hours.

Frequency of Response: One-time reporting requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 1, 4(i), 4(j), 201, 276, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)–(j), 201, 276 and 303(r).

Total Annual Burden: 1,200 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission anticipates providing confidential treatment for proprietary information submitted by inmate calling service (ICS) providers. Parties that comply with the terms of a protective order for the proceeding will have an opportunity to comment on the data.

Needs and Uses: Section 201 of the Communications Act of 1934 Act (Act), as amended, 47 U.S.C. 201, requires that ICS providers' interstate rates and practices be just and reasonable. Section 276 of the Act, 47 U.S.C. 276, requires that payphone service providers (including those, such as ICS providers, that serve correctional institutions) be fairly compensated. The Commission's Second Report and Order and Third Further Notice of Proposed Rulemaking (FNPRM) requires that all ICS providers comply with a one-time mandatory data collection. ICS providers must submit data on the costs of providing—and the demand for—interstate, international, and intrastate ICS. The data collection requires ICS providers to submit data on ICS calls, various ICS costs, company and contract information, information about facilities served, ICS revenues, ancillary fees, and mandatory taxes and fees. ICS providers are also required to apportion direct costs for each cost category and to explain how joint and common costs are apportioned among the facilities they serve and the services they provide. The data will be used to enable the Commission to assess the costs related to ICS and ensure that ICS rates and fees related to ICS rates remain just, reasonable, and fair, as required by sections 201 and 276 of the Act.

The Commission's Wireline Bureau staff will develop a standardized template for the submission of data and

provide instructions to simplify compliance with and reduce the burdens of the data collection. The template will also include filing instructions and text fields for respondents to use to explain portions of their filings, as needed. *See* FCC Form 2300. Providers are encouraged to file their data electronically via the Commission's Electronic Comment Filing System (ECFS).

OMB Control Number: 3060-XXXX.

Title: Inmate Calling Services Data Collection; Annual Reporting, Certification, and Consumer Disclosure Requirements.

Form Number: FCC Form 2301.

Type of Review: New collection.

Respondents: Business or other for-profit.

Number of Respondents and

Responses: 15 respondents; 15 responses.

Estimated Time per Response: 5 hours—105 hours.

Frequency of Response: Annual reporting and certification requirements; third party disclosure requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 1, 4(i), 4(j), 201, 225, 276, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)–(j), 201, 225, 276 and 303(r).

Total Annual Burden: 750 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission anticipates providing confidential treatment for proprietary information submitted by providers of inmate calling services (ICS). Parties that comply with the terms of a protective order for the proceeding will have an opportunity to comment on the data.

Needs and Uses: Section 201 of the Communications Act of 1934 Act (Act), as amended, 47 U.S.C. 201, requires that ICS providers' rates and practices be just and reasonable. Section 276 of the Act, 47 U.S.C. 276, requires that payphone service providers (including those that serve correctional institutions such as ICS providers) be fairly compensated. The Commission's Second Report and Order and Third Further Notice of Proposed Rulemaking (*Second Report and Order*), WC Docket No., FCC 15–136, requires that ICS providers file annual reports with the Commission, including certifications that the reported data are complete and accurate. The annual reporting and certification rules require ICS providers to file, among other things: Data regarding their ICS rates and minutes of use by facility and

size of facility; current ancillary service charge amounts and the instances of use of each; and the monthly amount of any site commission payments. The Commission also requires an officer of each ICS provider annually to certify the accuracy of the data submitted and the provider's compliance with the *Second Report and Order*. The consumer disclosure rule requires ICS providers to inform customers of their rates and charges. The data will assist the Commission in, among other things, ensuring compliance with the *Second Report and Order* and monitoring the effectiveness of the ICS reforms adopted therein. The data will be used to enable the Commission to assess the costs related to ICS and ensure that ICS rates and ancillary service charges related to ICS rates remain just, reasonable, and fair, as required by sections 201 and 276 of the Act.

The Commission's Wireline Bureau staff will develop a standardized template for the submission of data and provide instructions to simplify compliance with and reduce the burdens of the data collection. The template will also include filing instructions and text fields for respondents to use to explain portions of their filings, as needed. *See* FCC Form 2301. Providers are encouraged to file their data electronically via the Commission's Electronic Comment Filing System (ECFS).

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2016–18095 Filed 7–29–16; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination; 10447 The Farmers Bank of Lynchburg, Lynchburg, Tennessee

The Federal Deposit Insurance Corporation (FDIC), as Receiver for 10447—The Farmers Bank of Lynchburg, Lynchburg, Tennessee (Receiver) has been authorized to take all actions necessary to terminate the receivership estate of The Farmers Bank of Lynchburg (Receivership Estate); the Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary;

including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds.

Effective August 1, 2016 the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–18129 Filed 7–29–16; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to all Interested Parties of the Termination of the Receivership of 10123, Southern Colorado National Bank Pueblo, Colorado

NOTICE IS HEREBY GIVEN that the Federal Deposit Insurance Corporation ("FDIC") as Receiver for Southern Colorado National Bank, Pueblo, Colorado ("the Receiver") intends to terminate its receivership for said institution. The FDIC was appointed receiver of Southern Colorado National Bank on October 2, 2009. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: July 27, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–18181 Filed 7–29–16; 8:45 am]

BILLING CODE 6714-01-P

EXHIBIT C

time at the debtor's location, may not call once the debtor requests that the calls cease, and must transfer the stop-call request to the new servicer if the debt servicer changes. Callers must notify debtors of their right to request that no further autodialed or prerecorded calls be made to the debtor for the life of the debt. Prerecorded calls may not exceed 60 seconds, excluding required disclosures and stop-calling instructions. Text messages are limited to 160 characters, including required disclosures, which may be sent in a separate text message. Calls may be made (1) once the debt is delinquent and, (2) if the debt is not yet delinquent, then after one of the following events and in the 30 days before one of the following events: the end of a grace, deferment, or forbearance period; expiration of an alternative payment arrangement; or occurrence of a similar time-sensitive event or deadline affecting the amount or timing of payments due.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2016-26551 Filed 11-2-16; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-XXXX and 3060-XXXX]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated

collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before December 5, 2016. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Kimberly R. Keravuori, OMB, via email Kimberly_R_Keravuori@omb.eop.gov; and to Nicole Ongele, FCC, via email PRA@fcc.gov and to Nicole.Ongele@fcc.gov. Include in the comments the OMB control number as shown in the "Supplementary Information" section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418-2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <<http://www.reginfo.gov/public/do/PRAMain>>, (2) look for the section of the Web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-XXXX.
Title: Inmate Calling Services Data Collection, One-Time Data Collection.
Form Number: FCC Form 2300.
Type of Review: New collection.
Respondents: Business or other for-profit.

Number of Respondents and Responses: 15 respondents; 15 responses.

Estimated Time per Response: 100 hours.

Frequency of Response: One-time reporting requirement.

Obligation To Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 1, 4(i), 4(j), 201, 276, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)-(j), 201, 276 and 303(r).

Total Annual Burden: 1,500 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission anticipates providing confidential treatment for proprietary information submitted by inmate calling service (ICS) providers. Parties that comply with the terms of a protective order for the proceeding will have an opportunity to comment on the data.

Needs and Uses: Section 201 of the Communications Act of 1934 Act (Act), as amended, 47 U.S.C. 201, requires that ICS providers' interstate rates and practices be just and reasonable. Section 276 of the Act, 47 U.S.C. 276, requires that payphone service providers (including those, such as ICS providers, that serve correctional institutions) be fairly compensated. The Commission's Second Report and Order and Third Further Notice of Proposed Rulemaking (FNPRM) requires that all ICS providers comply with a one-time mandatory data collection. ICS providers must submit data on the costs of providing—and the demand for—interstate, international, and intrastate ICS. The data collection requires ICS providers to submit data on ICS calls, various ICS costs, company and contract information, information about facilities served, ICS revenues, ancillary fees, and mandatory taxes and fees. ICS providers are also required to apportion direct costs for each cost category and to explain how joint and common costs are apportioned among the facilities they serve and the services they provide. The data will be used to enable the Commission to assess the costs related to ICS and ensure that ICS rates and fees related to ICS rates remain just, reasonable, and fair, as required by sections 201 and 276 of the Act.

The Commission's Wireline Bureau staff will develop a standardized template for the submission of data and provide instructions to simplify compliance with and reduce the burdens of the data collection. The template will also include filing instructions and text fields for respondents to use to explain portions of their filings, as needed. See FCC Form 2300. Providers are encouraged to file their data electronically via the Commission's Electronic Comment Filing System (ECFS).

OMB Control Number: 3060–XXXX.
Title: Inmate Calling Services Data Collection; Annual Reporting, Certification, and Consumer Disclosure Requirements.

Form Number: FCC Form 2301.

Type of Review: New collection.

Respondents: Business or other for-profit.

Number of Respondents and

Responses: 15 respondents; 15 responses.

Estimated Time per Response: 5 hours–60 hours.

Frequency of Response: Annual reporting and certification requirements; third party disclosure requirement.

Obligation To Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 1, 4(i), 4(j), 201, 225, 276, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)–(j), 201, 225, 276 and 303(r).

Total Annual Burden: 1,200 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission anticipates providing confidential treatment for proprietary information submitted by providers of inmate calling services (ICS). Parties that comply with the terms of a protective order for the proceeding will have an opportunity to comment on the data.

Needs and Uses: Section 201 of the Communications Act of 1934 Act (Act), as amended, 47 U.S.C. 201, requires that ICS providers' rates and practices be just and reasonable. Section 276 of the Act, 47 U.S.C. 276, requires that payphone service providers (including those that serve correctional institutions such as ICS providers) be fairly compensated. The Commission's Second Report and Order and Third Further Notice of Proposed Rulemaking (*Second Report and Order*), WC Docket No., FCC 15–136, requires that ICS providers file annual reports with the Commission, including certifications that the reported data are complete and accurate. The annual reporting and certification rules require ICS providers to file, among other things: data regarding their ICS rates and minutes of use by facility and size of facility; current ancillary service charge amounts and the instances of use of each; and the monthly amount of any site commission payments. The Commission also requires an officer of each ICS provider annually to certify the accuracy of the data submitted and the provider's compliance with the *Second Report and Order*. The consumer disclosure rule requires ICS providers to inform customers of their rates and

charges. The data will assist the Commission in, among other things, ensuring compliance with the *Second Report and Order* and monitoring the effectiveness of the ICS reforms adopted therein. The data will be used to enable the Commission to assess the costs related to ICS and ensure that ICS rates and ancillary service charges related to ICS rates remain just, reasonable, and fair, as required by sections 201 and 276 of the Act.

The Commission's Wireline Bureau staff will develop a standardized template for the submission of data and provide instructions to simplify compliance with and reduce the burdens of the data collection. The template will also include filing instructions and text fields for respondents to use to explain portions of their filings, as needed. See FCC Form 2301. Providers are encouraged to file their data electronically via the Commission's Electronic Comment Filing System (ECFS).

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2016–26554 Filed 11–2–16; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Healthcare Infection Control Practices Advisory Committee (HICPAC)

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), National Center for Emerging and Zoonotic Infectious Diseases (NCEZID) announces a meeting of the aforementioned committee:

Times and Dates:

9:00 a.m.–5:00 p.m., EST, December 1, 2016

9:00 a.m.–12:00 p.m., EST, December 2, 2016

Place: Centers for Disease Control and Prevention, Global Communications Center, Building 19, Auditorium B, 1600 Clifton Road NE., Atlanta, Georgia, 30329; Call-in number: 866–707–0452; Passcode: 78829617.

Status: Open to the public, in-person capacity is limited by the space available and 100 lines on the call-in number. Time will be available for public comment. The public is welcome to submit written comments in advance of the meeting. Comments should be submitted in writing by email to the

contact person listed below. The deadline for receipt of written public comments is November 18, 2016. All requests must contain the name, address, and organizational affiliation of the speaker, as well as the topic being addressed. Written comments should not exceed one single-spaced typed page in length and delivered in 3 minutes or less. Please note that the public comment period may end before the time indicated, following the last call for comments. Members of the public who wish to provide public comments should plan to attend the public comment session in-person at the start time listed. Written comments received in advance of the meeting will be included in the official record of the meeting.

Purpose: The Committee is charged with providing advice and guidance to the Director, Division of Healthcare Quality Promotion, the Director, National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), the Director, CDC, the Secretary, Health and Human Services regarding (1) the practice of healthcare infection prevention and control; (2) strategies for surveillance, prevention, and control of infections, antimicrobial resistance, and related events in settings where healthcare is provided; and (3) periodic updating of CDC guidelines and other policy statements regarding prevention of healthcare-associated infections and healthcare-related conditions.

Matters for Discussion: The agenda will include updates on CDC's activities for prevention of healthcare associated infections (HAIs), updates on antimicrobial stewardship, an update on infection prevention in long term care facilities, an update on Draft Infection Control Guidelines, and an update from the workgroup for considerations on endoscope reprocessing.

Agenda items are subject to change as priorities dictate.

Contact person for More Information: Erin Stone, M.S., HICPAC, Division of Healthcare Quality Promotion, NCEZID, CDC, 1600 Clifton Road NE., Mailstop A–07, Atlanta, Georgia 30329. Telephone (404) 639–4045. Email: hicpac@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and

EXHIBIT D

SUPPORTING STATEMENT

A. Justification:

1. The Federal Communications Commission (Commission or FCC) is requesting the Office of Management and Budget's (OMB) approval of the new information collection requirements for providers of Inmate Calling Services (ICS).¹ ICS providers operate a service that allows inmates to make calls to individuals outside the correctional facility where the inmate is being held, regardless of the technology used to deliver the service.

In the *Inmate Calling Service Second Report and Order*,² FCC 15-136, the Commission undertook comprehensive reform of the ICS marketplace.³ Among other actions, the *Second Report and Order* establishes new rate caps that apply to both interstate and intrastate ICS calls, limits and caps ancillary services charges, and takes other measures to ensure that ICS rates are fair, just, and reasonable. The *Second Report and Order* further requires each ICS provider to file annual reports with the Commission and annual certifications that state that the provider is complying with the Commission's rules governing ICS. The annual reporting and certification rules require ICS providers to file, among other things: data regarding their ICS rates and minutes of use by facility and size of facility; current ancillary service charge amounts and the instances of use of each; the monthly amount of site commission payments; rates for video calling services and minutes of use by facility, as well as ancillary fees charges for such services; and the number of disability-related calls, problems associated with such calls, and ancillary fees charged in connection with such calls.⁴ The rules also require an officer of each ICS provider to certify annually the accuracy of the data submitted and the provider's compliance with the *Second Report and Order*. The consumer disclosure rule requires ICS providers to inform customers about their ICS rates and ancillary service charges.

Under section 201 of the Communications Act of 1934, a principal responsibility of the Commission is to ensure that charges and practices related to interstate and international telecommunications services, including interstate ICS, are just and reasonable. Additionally, under section 276 of the Act, the Commission is required to ensure that payphone service providers (including ICS providers) are fairly compensated for both interstate and intrastate calls. The annual certification and reporting requirements will enable the Commission to monitor ICS providers' rates and fees to ensure they comply with the provisions of the Report and Order and therefore ensure they are just, reasonable,

¹ We address the 2018 One-Time Data Collection requirement for providers of Inmate Calling Service in a separate Supporting Statement.

² *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Second Report and Order and Third Further Notice of Proposed Rulemaking, 30 FCC Rcd 12763 (2015) (*Second Report and Order*).

³ The Commission previously addressed rates for interstate ICS in 2013. See *Rates for Interstate Inmate Calling Services*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 12-375, 28 FCC Rcd 14107 (2013) (*2013 Order*).

⁴ See generally *Second Report and Order*.

and fair as required by sections 201 and 276. The consumer disclosure requirement will provide consumers with information that is relevant to consumer decision making and will allow the Commission to monitor ICS rates and fees.

Several interested parties, including ICS providers and state departments of correction, filed motions with the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) seeking stays of various portions of the *Second Report and Order*. On March 7, 2016, the court stayed two provisions of the Commission's ICS rules: 47 CFR § 64.6010 (setting caps on ICS calling rates that vary based on the size and type of facility being served) and 47 CFR § 64.6020(b)(2) (setting caps on charges and fees for single-call services).⁵ The D.C. Circuit's *March 7 Order* denied motions for stay of the Commission's ICS rules "in all other respects."⁶ On March 23, 2016, the D.C. Circuit modified the stay imposed in the *March 7 Order* to provide that "47 CFR § 64.6030 (imposing interim rate caps)" be stayed as applied to "intrastate calling services."⁷

The Court did not stay any other aspects of the *Second Report and Order*, leaving in place, for example, the Commission's provisions for the annual reporting and certification requirement (47 CFR § 64.6060) and the consumer disclosure of inmate calling services rates (47 CFR § 64.6110), which are relevant to this information collection. Additionally, the Court did not stay the following rules adopted in the *Second Report and Order*: 47 CFR § 64.6000 (Definitions); 47 CFR § 64.6020(a), 47 CFR § 64.6020(b)(1), 47 CFR § 64.6020(b)(3)-(5) (Ancillary Service Charge); 47 CFR § 64.6040 (Rates for Calls Involving a TTY Device); 47 CFR § 64.6070 (Taxes and Fees); 47 CFR § 64.6080 (Per-Call, or Per-Connection Charges); 47 CFR § 64.6020 (Flat-Rate Calling); and 47 CFR § 64.6100 (Minimum and Maximum Prepaid Calling Account Balances).

Statutory authority for this information collection is contained in Sections: 1, 4(i), 4(j), 201, 225, 276, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i)-(j), 201, 225, 276 and 303(r).

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. The annual reporting requirements will require ICS providers to submit data regarding their interstate, international, and intrastate rates, by facility, and to note the name, size and type of each facility being served. Providers will also be required to report any fees for ancillary services, the amount of those fees, the number of times each fee was imposed, and the monthly amounts of any site commissions paid. Providers that offered video calling services during the reporting period must file the minutes of use and per-minute rates for those services, as well as ancillary service charges associated with video services. Providers also will be required to report: the number of disability-related calls they provided; the number of problems they experienced with such calls (e.g., dropped calls, poor call quality), and the number of incidents of each; and the number of complaints they received related to access to ICS by TTY and TRS users. These data will assist the Commission in monitoring the effectiveness of the reforms adopted in the *Second Report and Order*, facilitate enforcement of the Commission's rules, and

⁵ See *Global Tel*Link v. FCC*, No. 15-1451 (D.C. Cir. Mar. 7, 2016) (*Partial Stay Order*); see also *Wireline Competition Bureau Addresses Applicable Rates for Inmate Calling Services and Effective Dates for Provisions of the Inmate Calling Services Second Report and Order*, Public Notice, DA 16-280 (WCB Mar. 16, 2016).

⁶ *Partial Stay Order* at 2.

⁷ See *Global Tel*Link v. FCC*, No. 15-1451 (D.C. Cir. Mar. 23, 2016) (*Modified Partial Stay Order*); see also *Wireline Competition Bureau Updates Applicable Rates for Inmate Calling Services*, Public Notice, DA 16-332 (WCB Mar. 29, 2016) (March 29 Public Notice).

enable the Commission to address the issues raised in the *Third Further Notice of Proposed Rulemaking* (FNPRM) that accompanied the *Second Report and Order*. To fulfill the certification requirement, an officer of each ICS provider must annually certify the accuracy of the information the company reports to the Commission. The requirement is a minimally burdensome way to ensure compliance with the *Second Report and Order*.

The consumer disclosure rule will require ICS providers to disclose their interstate, intrastate, and international rates and ancillary charges to consumers. The Commission will evaluate disclosures of all consumer charges for reasonableness based on a number of factors, including: disclosure of information regarding all material charges, such as the applicable rate and any ancillary service charges; use of plain language that can be readily understood by end users; description of single call and related services, making clear that consumers have less costly options; timeliness of notice of any updates and/or changes to the rates and fees prior to their implementation; availability of the disclosure in a prominent location on the ICS provider's website; whether the name, address and toll-free number of the ICS provider is included in the disclosure; and whether the disclosure includes the toll-free number for the FCC Consumer Help Center.⁸

The Wireline Competition Bureau (Bureau), pursuant to the authority delegated to it by the Commission in the *Second Report and Order*, has created forms to facilitate uniform reporting and certifications and to promote administrative simplicity.⁹ We expect that requiring ICS providers to input their information into standardized forms will make it easier for the Commission to review the incoming data. The forms include instructions on how to complete them.

The data the Commission will collect are usually and customarily compiled and utilized by ICS providers in the normal course of their activities, which we believe will minimize the burden of the collection. In addition, the burden of compliance for subsequent years should diminish as providers become familiar with the Commission's requirements and put systems in place to facilitate compliance.

Providers are free to post their consumer disclosures on their websites or in another manner readily available to consumers. The Commission is not dictating the precise form of the consumer disclosure. Instead, it is offering providers the flexibility to craft their own disclosures, as long as they meet the requirements of the *Second Report and Order* and the applicable rule. The information listed in the consumer disclosure will be compiled and utilized by ICS providers in the normal course of business, which should minimize the burden of the collection.

3. The Commission's *Second Report and Order* directs staff to develop a standardized template for the submission of data and to provide instructions to simplify compliance with, and reduce the burdens of, the annual certification and reporting requirements. The template will also include filing instructions and text fields for respondents to use to explain portions of their filings, as needed. Providers are encouraged to file their annual reports and certifications electronically via the Commission's Electronic Comment Filing System (ECFS).

4. The Commission is not aware of any similar information already available that can be used or modified for the purposes described in Item 2 above. Specifically, prior to the *Second Report and Order*, ICS providers were not required to file such data with the Commission.

⁸ *Second Report and Order*, 30 FCC Rcd at 12896.

⁹ As noted below, the Bureau has not created forms for the consumer disclosure required by the *Second Report and Order*.

5. Because the Commission's *Second Report and Order* requires all ICS providers to comply with the annual certification requirement, the requirement will affect smaller as well as larger ICS providers. The Commission has taken steps to ensure that the reporting template is competitively neutral and not unduly burdensome for any set of providers.

6. Collecting the reporting and certifications on a less frequent basis, or not at all, would deprive the Commission of the ability to monitor ICS rates on an ongoing and reasonably current basis, which would undermine the Commission's efforts to ensure that ICS is provided at fair, just, and reasonable rates and to ensure that any ancillary services charges associated with ICS are also fair, just, and reasonable. It would also deprive consumers and other affected parties of the ability to monitor ICS quality, rates, and fees and file complaints in a timely fashion.

7. No other special circumstances will apply to this information collection.

8. Pursuant to 5 C.F.R. § 1320.8 (d), the Commission published a 60-day notice in the Federal Register to solicit public comment on these reporting and certification requirements on August 1, 2016. See 81 FR 50499. Comments were received from only two parties: Global Tel*Link Corporation (GTL) and the Wright Petitioners. We also note that Protocall filed an *ex parte* letter that appears to have been directed to either the reporting requirements or the One-Time Data Collection.¹⁰

The comments addressed both the annual reporting, certification, and consumer disclosure requirements, as well as the 2018 One-Time Data Collection. We address only the comments related to the annual reporting, certification, and consumer requirements here, and address the comments related to the 2018 One-Time Data Collection in a separate supporting statement. The comments are summarized and addressed below as follows: (1) comments on the effect of the D.C. Circuit's *Partial Stay Order* and *Modified Partial Stay Order* on the proposed information collection; (2) components of the information collection; (3) the estimated burden associated with the proposed information collection; and (4) the possibility of adopting a *de minimis* exemption for small ICS providers.

Impact of the *Partial Stay Order*

GTL (at 4) urges the Commission to refrain from taking "any further action on the new information collection requirements pending the ongoing judicial review of the *2015 ICS Order*." In particular, GTL (at 4) notes that the annual reporting requirement asks for information regarding intrastate ICS, and argues that the Commission should not require ICS providers to submit such data "until there is a demonstrated need for the information that justifies the administrative burden to provide it."

Response. As noted above, the Commission's provisions for the annual reporting and certification requirement (47 CFR § 64.6060) and the consumer disclosure of inmate calling services rates (47 CFR § 64.6110), were not stayed by the D.C. Circuit in either the *Partial Stay Order* or the *Modified Partial Stay Order*. Thus, there is no indication that the court will take any action that would affect either the annual reporting and certification requirement or the consumer disclosure requirement. Moreover, the requirements at issue are critical to the Commission's efforts to reform and regulate ICS and to the Commission's ability to fulfill its statutory mandates. (See Item 2 above). Waiting for the litigation to conclude before seeking approval for the annual reporting, certification, and consumer disclosure requirements would result in needless delay that would harm the Commission's ability to fulfill its obligations to ensure that ICS rates and fees are fair, just, and reasonable.

¹⁰ See letter from David Lindgren, President, Protocall to Marlene H. Dortch, Secretary, FCC, WC Docket No. 12-375 at 1 (filed Feb. 29, 2016) (requesting an exemption from "the mandatory reporting requirements.") Out of an abundance of caution, we address Protocall's letter both here and in the supporting statement related to the 2018 One-Time Data Collection.

Modifications to the Information Collected

The Wright Petitioners (at 6) ask the Commission to modify Form 2301(a), the Annual Reporting Form, to require ICS providers to submit the per-minute rate for each minute of the ICS communication. The Wright Petitioners (at 6) argue that this addition to the form better reflects a current practice of ICS providers, many of which charge a “different per-minute rates over the duration of the ICS communication.”

The Wright Petitioners (at 7) also request that the Commission modify Form 2301(a) to require providers to include information regarding authorized fees and mandatory fees. The Wright Petitioners (at 7) argue that this will allow the Commission to “obtain a more complete picture of the rates and fees paid by ICS customers.”

Response. First, the Wright Petitioners (at 6) present convincing evidence that some ICS providers charge different rates for different minutes of an ICS communication (i.e., a higher rate for the first minute and a lower rate for subsequent minutes). We agree with the Wright Petitioners’ that we should modify Form 2301(a) to capture different per-minute rates that may apply over the duration of a single ICS communication. While we find that asking providers to list the per-minute rate for each minute of an ICS communication would be overly burdensome, we amend Form 2301(a) to include not only the existing column that asks providers to list the per-minute rate for different types of ICS calls, but also a new column where providers can indicate if they charge a different amount for some minutes of a call. We find that this change will help the Commission better understand the ICS market and achieve the goals set out above, while also minimizing the burden on ICS providers.

Second, although we agree with the Wright Petitioners that collecting information regarding authorized fees¹¹ and mandatory fees¹² would provide the Commission with a more complete picture of the rates and fees paid by ICS customers, we find that the additional burden such a requirement would place on ICS providers outweighs the incremental benefit of collecting such data. An ICS provider that operates in multiple jurisdictions may be subject to a variety of different authorized and mandatory fees. Collecting, organizing, and reporting these fees could be substantially burdensome, especially for providers that do business in multiple jurisdictions. At this point, we find that the burden that ICS providers would face in collecting and reporting this information outweighs the benefits that might be gained from collecting the data, especially given that providers are only permitted to pass these taxes and fees through to consumers without any markup. To the extent that the Wright Petitioners are concerned about potential violations by providers marking up or modifying authorized or mandatory fees, we find that those concerns are best addressed through the Commission’s complaint processes, and not through mandatory reporting requirements.

Estimated Burden

GTL argues (at 2-3) that the estimated burden associated with the mandatory data collection is too low. GTL asserts (at 3) that the Commission’s estimate of 40 hours is “substantially understated,” and suggests (at 6) that if GTL were to spend one hour per correctional facility to collect, compile, and

¹¹ See 47 CFR § 64.6000 (“Authorized Fee means a government authorized, but discretionary, fee which a Provider must remit to a federal, state, or local government, and which a Provider is permitted, but not required, to pass through to Consumers. An Authorized Fee may not include a markup, unless the markup is specifically authorized by a federal, state, or local statute, rule, or regulation.”).

¹² See *id.* (“Mandatory Tax or Mandatory Fee means a fee that a Provider is required to collect directly from consumers, and remit to federal, state, or local governments. A Mandatory Tax or Fee that is passed through to a Consumer may not include a markup, unless the markup is specifically authorized by a federal, state, or local statute, rule, or regulation.”).

formulate the data categories required by the Commission, it would spend “1900 hours to comply with the annual one-time data collection, and a similar amount of time annually to comply with the annual reporting requirement.”

Response. We note that GTL did not request to see the draft forms or instructions associated with this data collection, and thus has only seen the 60-day Federal Register notice and the burden hour estimates listed therein. As such, its comments on the estimated burden of this collection are speculative at best. At a minimum, we find it implausible that a company with GTL’s expertise and resources would require anything approaching an hour per facility to complete the required forms. Nevertheless, after considering GTL’s comments, we have increased the estimated burden hours from 40 hours per respondent to 60 hours per respondent. We believe that 60 hours is sufficient to allow the average ICS provider to report, in the format requested, the requested information – most, if not all, of which we believe ICS providers already maintain as part of their day-to-day business operations.

De Minimis Exception for Small Providers

Protocall argues (at 1) that it lacks the staff and support to either generate such “complex reports” or to “structure our revenue expense line items as specified by the FCC.” Although we are cognizant of the burdens certain requirements may place on smaller providers, we do not exempt any providers from the annual reporting, certification, and consumer disclosure requirements. As described above (in 2), these requirements are important to the Commission’s ability to fulfill its statutory obligations regarding ICS. Moreover, the data we receive from small providers will be vital to the Commission’s ability to ensure that any future rules it adopts are effective and fair for both large and small ICS providers. We note, for example, that the Commission relied heavily on the data provided by small providers in the *Second Report and Order*. We also note that Protocall’s claims are unsubstantiated, which makes it difficult to assess to magnitude of the challenges that it may face in completing the data collection. Ultimately, we find that the burden the annual data reporting and certification requirements will place on small ICS providers are far outweighed by the benefits these reports will bring.

9. The Commission does not anticipate providing any payment or gift to respondents.

10. The protective order in this proceeding¹³ provides confidential treatment for the proprietary information submitted by ICS providers in response to the annual reporting and certification requirements. The Commission will provide for confidential treatment of any particular information identified as confidential by the provider. Each confidential document should be stamped and submitted to the Secretary’s Office with an accompanying cover letter, as specified by *Protective Order*. This is standard practice when the Commission seeks competitively sensitive information for ratemaking or other purposes.

11. The information collection does not address any matters of a sensitive nature.

12. The following represents the hour burden on the collections of information discussed herein.

a. Reporting Requirement:

(1) Number of respondents: Approximately 15.

(2) Frequency of response: Annual.

¹³ *Rates for Interstate Inmate Calling Services*, WC Docket 12-375, Protective Order, 28 FCC Rcd 16954 (2013) (*Protective Order*).

(3) Total number of responses annually: Approximately 15.

(4) Estimated Time per Response: 60 hours.

15 respondents x 60 hours per response x 1 response per respondent = 900 hours.

(5) Total annual burden: **900 hours.**

The Commission estimates that approximately 15 ICS providers will require 60 hours of reporting time.

Approximately 15 respondents x 1 response x 60 hours per response = 900 hours.

(6) Total estimate of “in-house” cost to respondents: **\$40,500.**

(7) Explanation of the calculation:

The Commission estimates that approximately 15 ICS providers will be subject to this reporting requirement.

We assume that respondents will use 60 hours of in-house accounting services (rate of \$45/hour) to satisfy this reporting requirement. Thus 900 hours x \$45 = \$40,500.

b. Certification Requirement:

(6) Number of respondents: Approximately 15.

(2) Frequency of response: Annual.

(3) Total number of responses annually: Approximately 15.

(4) Estimated Time per Response: 5 hours.

15 x 5 hours per response x 1 response per year per respondent = 75 hours.

(5) Total annual burden: **75 hours.**

The Commission estimates that approximately 15 ICS providers will require 5 hours of time per annual filing.

Approximately 15 respondents annually x 1 response annually x 5 hours per response = 75 hours.

(6) Total estimate of “in-house” cost to respondents: **\$9,375.**

(7) Explanation of the calculation:

The Commission estimates that 15 ICS providers will be subject to this certification requirement.

We assume that respondents will use 5 hours of an officer of the company's time (rate of \$125/hour) to satisfy this certification requirement. Thus, 75 hours per year x \$125 = \$9,375.

c. Consumer Disclosure Requirement

- (1) Number of respondents: Approximately 15.
- (2) Frequency of response: Third party disclosure requirement.
- (3) Total number of responses annually: Approximately 15.
- (4) Estimated Time per Response: Approximately 15 hours. It is difficult to estimate the time per response because the Commission is not dictating the precise form of the consumer disclosure. Each provider will post the relevant information on its website or in another manner readily available to consumers, and will be required to update the information only when the information changes. We estimate that compliance will require approximately 15 hours per provider annually, with 10 hours allocated to posting the information initially, and another 5 hours allocated to updating the information throughout the year.

15 respondents x 15 hours per response x 1 response per year per respondent = 225 hours.

- (5) Total annual burden: Approximately **225 hours**.

The Commission estimates that approximately 15 ICS providers will require approximately 15 hours each to comply with this requirement.

Approximately 15 respondents x approximately 1 response annually x approximately 15 hours per response = approximately 225 hours.

- (6) Total estimate of "in-house" cost to respondents: **\$28,125**.
- (7) Explanation of the calculation:

The Commission estimates that 15 ICS providers will be subject to the consumer disclosure requirements.

We assume that respondents will use approximately 15 hours of an officer of the company's time (rate of \$125/hour) to satisfy this requirement. Thus 225 hours per year x \$125 = \$28,125.

d. Total Annual Burden Hours:

(a)	Reporting Requirement:	900
(b)	Certification Requirement:	75
(c)	Consumer Disclosure Requirement:	225

Total Respondents: 15

Total Responses: 15

Total In-House Costs: $\$40,500 + \$9,375 + \$28,125 = \$78,000$.

Total Annual Burden Hours = $900 + 75 + 225 = 1,200$ hours.

13. Estimated operations and maintenance (O&M) costs of respondents resulting from the collection of information:

(a) Total capital start-up costs component annualized over its expected useful life: \$0.

The collections will not result in additional capital expenditures such as computers or software.

(b) Total operation and maintenance and purchase of services component: \$0.

(c) Total annualized cost requested: \$0.

14. There are unlikely to be any additional costs to the Commission because the data will be submitted by ICS providers in WC Docket No. 12-375 via the Commission's Electronic Comment Filing System, requiring no additional Commission resources to process or publish.

15. This is a new information collection resulting in a program change/increase of 15 respondents, 15 responses, and 1,200 annual burden hours. These estimates will be added to OMB's Active Inventory.

16. The Commission does not anticipate publishing any of the information collected. Rather, the ICS provider certifications will be available for public review via the Commission's ECFS.

17. The Commission is not seeking approval not to display an OMB expiration date.

18. The Commission is reporting the following changes since the 60 Day Notice was published in the Federal Register on August 1, 2016 (81 FR 50499):

(a) The Commission revised the estimated time per response in the 30 Day Notice to "5—60 hours" and the total annual hourly burden to 1,200 hours in response to comments we received on the 60-Day Notice and to correct an error in that Notice.

There are no other exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

The Commission does not anticipate that the proposed collection of information will employ statistical methods.

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 01/09/2017

Federal Communications Commission

FOR CERTIFYING OFFICIAL: Walter Boswell

FOR CLEARANCE OFFICER: Cathy Williams

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received
11/03/2016

ACTION REQUESTED: New collection (Request for a new OMB Control Number)

TYPE OF REVIEW REQUESTED: Regular

ICR REFERENCE NUMBER: 201609-3060-008

AGENCY ICR TRACKING NUMBER: WCB

TITLE: Inmate Calling Services (ISC) Data Collection; Annual Reporting; Certification, and Consumer
Disclosure Requirements.

LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change

OMB CONTROL NUMBER: 3060-1222

The agency is required to display the OMB Control Number and inform respondents of its legal significance in
accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 01/31/2020

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	0	0	0
New	15	1,200	0
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	15	1,200	0
Change due to Agency Adjustment	0	0	0
Change due to PRA Violation	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Howard Shelanski
Administrator,
Office Of Information And Regulatory Affairs

List of ICs			
IC Title	Form No.	Form Name	CFR Citation
Inmate Calling Service Provider Annual Reporting, Certification, and Consumer Disclosure Requirements, WC Docket No. 12-375, FCC 15-136	FCC Form 2301(a), FCC Form 2301 (b)	Inmate Calling Services Annual Reporting Form , Inmate Calling Services Annual Certification Form	47 CFR 64.6060, 47 CFR 64.6010, 47 CFR 64.6110, 47 CFR 64.6100, 47 CFR 64.6030, 47 CFR 64.6020(a), 47 CFR 64.6020(b)(1), 47 CFR 64.6020(b)(3)-(5), 47 CFR 64.6040, 47 CFR 64.6070, 47 CFR 64.6000, 47 CFR 64.6020(b)(2), 47 CFR 64.6080, 47 CFR 64.6020